

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: SB 2452

SPONSOR: Senator Aronberg

SUBJECT: Pharmacy Technicians

DATE: April 21, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HE	Favorable
2.				
3.				
4.				
5.				
6.				

I. Summary:

The bill allows a pharmacy technician to initiate or receive requests for original prescriptions for nonhuman use if this is done under the supervision of a licensed pharmacist. The number of pharmacy technicians that a licensed pharmacist may supervise in dispensing prescriptions for nonhuman use is limited to seven pharmacy technicians.

The bill authorizes a pharmacy to dispense a prescription for nonhuman use pursuant to a facsimile prescription without receipt of the original prescription.

This bill amends sections 465.014 and 465.035, Florida Statutes.

II. Present Situation:

Chapter 465, F.S., governs the practice of pharmacy. The Board of Pharmacy within the Department of Health regulates the practice of pharmacy. Section 465.014, F.S., specifies tasks and functions of pharmacy technicians. A person other than a Florida-licensed pharmacist or pharmacy intern may not engage in the practice of pharmacy, except a pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the definition of the practice of the profession of pharmacy. The acts, which are delegated to a pharmacy technician by a pharmacist, must be performed under the direct supervision of a licensed pharmacist who is responsible for all such acts performed by persons under the pharmacist's supervision. Under the supervision of a pharmacist, a pharmacy technician may initiate or receive communications with a practitioner or his or her agent on behalf of a patient regarding prescription refill authorization requests. A Florida-licensed pharmacist may not supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the Board of Pharmacy. The Board of Pharmacy must establish guidelines, which

must be followed by licensed pharmacists and permitted pharmacies in determining the circumstances under which a licensed pharmacist may supervise more than one, but not more than three, pharmacy technicians.¹

Section 465.035, F.S., authorizes a pharmacy to dispense medicinal drugs based on the receipt of an electronic facsimile of the original prescription if:

- In the course of the transaction the pharmacy complies with laws and administrative rules relating to pharmacies and pharmacists;
- Except in the case of the transmission of a prescription by a person authorized by law to prescribe medicinal drugs: the facsimile system making the transmission provides the pharmacy receiving the transmission with audio communication via telephonic, electronic, or similar means with the person presenting the prescription; at the time of delivery of the medicinal drugs, the pharmacy has in its possession the original prescription for the medicinal drug involved; and
- The recipient of the prescription must sign a log and must indicate the name and address of both the recipient and the patient for whom the medicinal drug was prescribed.

Controlled substances listed in Schedule II may be dispensed as provided by federal law. Under federal law, a pharmacist may dispense directly a Schedule II drug only pursuant to a written prescription signed by the practitioner with specified exceptions. A prescription for a Schedule II drug may be transmitted by the prescribing practitioner to a pharmacy via facsimile if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of the controlled substance, with specified exceptions for certain compounded drugs for direct administration to a patient, prescriptions for residents of a long-term care facility, and prescriptions for patients in a hospice care program.

III. Effect of Proposed Changes:

The bill allows a pharmacy technician to initiate or receive requests for original prescriptions for nonhuman use if this is done under the supervision of a licensed pharmacist. The number of pharmacy technicians that a licensed pharmacist may supervise in dispensing prescriptions for nonhuman use is limited to seven pharmacy technicians.

The bill authorizes a pharmacy to dispense a prescription for nonhuman use pursuant to a facsimile prescription without receipt of the original prescription.

The effective date of the bill is upon becoming a law.

¹ See Rule 64B16-37.420, Florida Administrative Code, which authorizes the Board of Pharmacy to approve a specific pharmacy's utilization of pharmacy technicians in a ratio that is higher than one pharmacist per technician up to a maximum of one pharmacist per three technicians.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Pharmacies that exclusively dispense drugs for nonhuman use may have lower costs to provide dispensing services to the extent that the bill authorizes the use of pharmacy technicians and allows the use of facsimiles for prescriptions for nonhuman use.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that the number of pharmacy technicians that a licensed pharmacist may supervise in dispensing prescriptions for nonhuman use is limited to seven pharmacy technicians. Under current law, the Board of Pharmacy must establish guidelines which must be followed by licensed pharmacists and permitted pharmacies in determining the circumstances under which a licensed pharmacist may supervise more than one, but not more than three, pharmacy technicians (when dispensing prescriptions for human use). If a pharmacy dispenses drugs for both human and nonhuman use, it is unclear how the Board of Pharmacy will verify compliance through its annual inspection of each pharmacy.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
